

DEC 05 2005

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 5627

TSC ENGINEERING AND

TSC SURVEYING PAC FUND

CASE CLOSURE UNDER THE  
ENFORCEMENT PRIORITY SYSTEM

**SENSITIVE**

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

and are deemed inappropriate for review by the Alternative Dispute Resolution

Office are forwarded to the Commission with a recommendation for dismissal. The

Commission has determined that pursuing low-rated matters compared to other higher rated

matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to

dismiss these cases.

The Office of General Counsel scored MUR 5627 as a low-rated matter. In this case,

the allegations concerned the propriety of a payroll deduction for a corporate political action

committee. Respondents have submitted statements to the effect that TSC Engineering and

TSC Surveying PAC Fund is a non-federal political action committee that is not engaged in

federal activity. In light of the de minimis nature of the allegations, coupled with the potential

lack of jurisdiction to address the state issues, and reviewing the merits of MUR 5627 in

furtherance of the Commission's priorities and resources relative to other matters pending on

the Enforcement docket, the Office of General Counsel believes that the Commission should

exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S.

821 (1985).


**RECOMMENDATION**

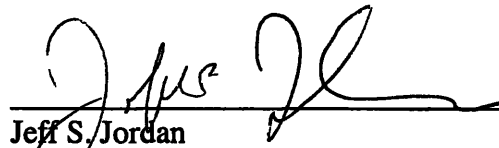
The Office of General Counsel recommends that the Commission dismiss MUR 5627, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters. Closing the case as of this date will allow CELA and General Law and Advice the necessary time to prepare the closing letters and the case file for the public record.

James A. Kahl  
Deputy General Counsel

12/5/05  
Date

BY:

  
\_\_\_\_\_  
Gregory R. Baker  
Special Counsel  
Complaints Examination  
& Legal Administration

  
\_\_\_\_\_  
Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

Attachment:  
Narrative in MUR 5627

1  
2  
3  
4  
5 **MUR 5627**

6  
7 **Complainant:** Michael Lewis

8  
9 **Respondents:** TSC Engineering and TSC Surveying PAC Fund  
10 TSC Engineering Company

11  
12 **Allegations:** The complainant alleges that TSC Engineering Company collects funds in  
13 the form of payroll deductions from its employees every two weeks and forwards the  
14 funds to its political action committee, TSC Engineering and TSC Surveying PAC Fund  
15 ("TSC PAC"). The complainant claims that his "contribution" to TSC PAC was not  
16 voluntary. Additionally, the complainant states that he has not been invited to participate  
17 in any meetings involving the election of TSC PAC officers or how TSC PAC funds are  
18 used.

19  
20 **Responses:** TSC Engineering responded by noting that it does not sponsor any federal  
21 political action committee. Rather, TSC Engineering sponsors a state political action  
22 committee, TSC PAC (a Texas political action committee). TSC Engineering claims it  
23 uses "payroll deduction[s] [as] a permissible method of collecting contributions,"  
24 pursuant to a Texas Ethics Advisory Opinion. Further, TSC PAC states that it has never  
25 contributed to a federal candidate or committee. Finally, TSC PAC asserts that it is not  
26 subject to FEC jurisdiction, although it does abide by all state regulations.

27  
28 **Date complaint filed:** December 7, 2004

29  
30 **Responses filed:** January 3, 2005

---

2004150226